

REMARKS

Applicant has carefully reviewed the office action mailed November 29, 2005 and offers the following remarks to accompany the above amendments.

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicant regards as the invention. Specifically, the Patent Office opined that the claims had insufficient antecedent basis for a claim element. Applicant has canceled claim 6, thereby mooting the rejection.

Claims 1, 3-7, 9-10, 12 and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. (hereinafter "Alexander"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element can be found in the combination of references. MPEP § 2143.03. Further, the Patent Office is not allowed to extract isolated portions of the references; rather, the references must be considered in their entireties. MPEP § 2141.02. Applicant wishes to thank the Examiner for the detailed reasoning in the office action. However, Applicant must traverse the notion that Alexander teaches selecting, passing, and measuring the power of a subset of optical signals.

The wavelength selecting device 54 of Alexander is described in detail at col. 4, lines 2-65. Throughout this description, it is clear that the wavelength selecting device 54 outputs individual, optical signals at different wavelengths. The wavelength selecting device 54 does not output groups, or subsets, of optical signals. Further, each of the individual output signals are provided to a different power meter 56 or provided to a common power meter at different times. Nowhere is there an indication that a group, or subset, of optical signals is sent to the power meter for measuring the power associated with the entire group, or subset, of optical signals. In essence, Alexander may disclose measuring individual optical signals, but does not provide the combination of monitoring the power of individual optical signals in combination with measuring groups, or subsets, of optical signals.

The term "subset of optical signals," as found in Applicant's independent claims 1 and 12 refers to a group of optical signals and should be interpreted as such. Accordingly, each and every claim element in independent claims 1 and 12 is not shown in Alexander, and as such,

prima facie obviousness is not established. The other references cited in this application fail to remedy the defects of Alexander.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Sugaya. Applicant respectfully traverses. The standards for obviousness are set forth in the above. Claim 11 further defines independent claim 1, and Sugaya fails to remedy the deficiencies of Alexander with regard to measuring the power associated with a subset of optical signals. As such, claim 11 defines patentable subject matter.

Claims 20-21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugaya in view of Alexander. Claims 20, 21 and 23 have been canceled without prejudice, thereby mooting the rejection.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugaya in view of Alexander and further in view of Prohaska. Claim 22 has been canceled without prejudice, thereby mooting the rejection.

Each of the pending claims is now in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative if any issues remain in an effort to expedite allowance of issue.

<p>CERTIFICATE OF TRANSMISSION I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:</p> <p>Examiner: <u>Wang, Quan Zhen</u> Art Unit: <u>2633</u> Fax: <u>571-273-8300</u></p> <p><u>Michelle Heymann</u> Name of Sender</p> <p><u>Michelle Heymann</u> Signature</p> <p><u>2-13-06</u> Date of Transmission</p>

Respectfully submitted,
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